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**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

EDWARD HENDREX,)	
)	Case No.:
Plaintiff,)	
)	
v.)	
)	COMPLAINT AND DEMAND FOR
VERDE ENERGY,)	JURY TRIAL
)	
Defendant.)	
)	(Unlawful Debt Collections Practices)
)	

COMPLAINT

EDWARD HENDREX ("Plaintiff"), by and through his counsel, Kimmel & Silverman, P.C., alleges the following against VERDE ENERGY ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act ("TCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

1 15. Plaintiff knew Defendant was using an automatic telephone dialing system and
2 automatic and/or pre-recorded message as an automated message identified its company name
3 as the caller before transferring Plaintiff to a live representative.

4 16. Defendant's telephone calls were not made for "emergency purposes."

5 17. In early March 2016, when the calls began, Plaintiff revoked any consent that
6 may have been previously given to Defendant to place telephone calls to his cellular telephone
7 number.

8 18. Furthermore, Plaintiff disputes having ever furnished Defendant with his contact
9 information as he has never engaged in any business with Defendant.

10 19. Nonetheless, Defendant continued to call Plaintiff on his cellular telephone.

11 20. Plaintiff repeated his request that Defendant cease calls on numerous occasions
12 thereafter, but the calls continued through April 2016.

13 21. Upon information and belief, Defendant conducts business in a manner which
14 violates the telephone consumer protection act.

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17 **DEFENDANT VIOLATED THE**
18 **TELEPHONE CONSUMER PROTECTION ACT**

19 22. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
20 at length herein.

21 23. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
22 telephone using a prerecorded voice.

23 24. Defendant initiated these automated calls to Plaintiff using an automatic
24 telephone dialing system.

25 25. Defendant's calls to Plaintiff were not made for emergency purposes.

1 26. Defendant's calls to Plaintiff, especially after early March 2016, were not made
2 with Plaintiff's prior express consent.

3 27. Defendant's acts as described above were done with malicious, intentional,
4 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
5 purpose of harassing Plaintiff.

6 28. The acts and/or omissions of Defendant were done unfairly, unlawfully,
7 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
8 defense, legal justification or legal excuse.

9 29. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
10 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
11 damages.
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14 WHEREFORE, Plaintiff, EDWARD HENDREX, respectfully prays for judgment as
15 follows:

- 16 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
17 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
18 U.S.C. §227(b)(3)(B);
19 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
20 U.S.C. §227(b)(3);
21 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
22 e. Any other relief deemed appropriate by this Honorable Court.
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, EDWARD HENDREX, demands a jury trial in this case.

CERTIFICATION PURSUANT TO L.CIV.R.11.2

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

Respectfully submitted,

Dated: June 8, 2017

By: /s/ Amy Lynn Bennecoff Ginsburg
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